HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 7952 of 2007

DATED: 19-04-2007

Between:

Chinta Saibaba

…Petitioner

and

The District Collector,
Nellore and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7952 of 2007

ORAL ORDER:

The writ petition is misconceived.

An extent of Ac. 4-95 cents in Sy.No.691 and Ac.2-45 cents in Sy.No. 692 of Krishnapatnam Village, Muthukur Mandal, Nellore District was proposed for acquisition, namely, for the development of Krishnapatnam Port. The process of issuance of publication of draft notification and draft declaration were pursued. According to the petitioner, he is entitled to a share in the property, on the basis of a family arrangement executed on
21-5-1982. To effectuate this arrangement, the petitioner also filed O.S.No. 361 of 2006 on the file of the Principal Senior Civil Judge, Nellore seeking partition of the property against the respondents 4 to 7. It is stated that an interim injunction application thereat is pending. Since the acquisition process was on, the petitioner also lodged claim before the Land Acquisition Officer and the respondents 1 to 3 asserting a claim for a share in the compensation for the acquired land.

Admittedly, no award has yet been passed. The claim of the petitioner will have to be considered by the Land Acquisition Officer either while passing the award or if the Land Acquisition Officer is so inclined, he may refer the competing claims for adjudication to the Civil Court of competent jurisdiction under Section 31 of the Land Acquisition Act, 1894. As at present, however, no decision has been taken by the Land Acquisition Officer nor any award passed. The

petitioner has thus, without any just reason, approached this Court seeking a mandamus in the nature of a guidance to the Land Acquisition Officer for performance of his statutory functions. No such relief could be granted.

The writ petition is misconceived and is accordingly dismissed at the stage of admission, after hearing the learned Government Pleader for Land Acquisition also. There shall be no order as to costs.

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GODA RAGHURAM, J

19-04-2007
GRR